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09/847,382	05/03/2001	Jeffrey Richard Conrad	10006614-1	6078

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
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EXAMINER	
BRUCKART, BENJAMIN R	
ART UNIT	PAPER NUMBER
2155	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/847,382	<b>Applicant(s)</b> CONRAD ET AL.	
	<b>Examiner</b> Benjamin R. Bruckart	<b>Art Unit</b> 2155	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 December 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 9-14, 16-19 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-14, 16-19, 21-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Detailed Action**

#### **Status of Claims:**

Claims 1-4, 9-14, 16-19, 21-26 are pending in this Office Action.

Claim 17 is amended.

The objection to the specification is removed in light of applicant's amendment to the specification.

### **Response to Arguments**

Applicant's arguments filed in the amendment filed 12/20/06, have been fully considered but are not persuasive. See Remarks below.

#### **Applicant's invention as claimed:**

#### ***Claim Objections***

Claim 22 is objected to because of the following informalities: It is dependent upon itself. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 17-19, 25-26 remain rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 17-19, 25-26 are not limited to tangible embodiments. In view of Applicant's disclosure, specification [page 9, second to last paragraph], the medium is not limited to tangible embodiments, instead being defined as including both

Art Unit: 2155

tangible embodiments (e.g., CDROM) and intangible embodiments (e.g., signals, carrier wave signals, the internet). As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

Applicant's amendment does not overcome the rejection. The examiner must use the specification to determine the definition of the 'computer readable medium.' The computer readable medium is embodied both tangibly and intangibly and the intrinsic evidence from the specification leaves it open to both, not just the tangible as argued by applicant. Currently under the Interim Guidelines (See MPEP starting in 2106) intangible embodiments such as the signals and modulated carrier waves are improper.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

**Claims 1-4, 9-14, 16-19, 21-26 are rejected under 35 U.S.C. 102(a) as being anticipated by Huffaker et al (June 3, 2000).**

Regarding claim 1, a method of providing information related to one or more networks (Huffaker: page 1, Abstract: visualizing network data), the method comprising:

displaying on a display a plurality of filter criteria, wherein in the plurality of filter criteria comprises a selectable list of a plurality of status levels (Huffaker: page 10, Fig. 11; Page 3; visualization features);

receiving a user selection of one or more of the plurality of filter criteria, including a selection of at least one of said status levels (Huffaker: pages 8-10; visualization features);

retrieving network device information related to a plurality of network devices in said one or more networks which satisfy said criteria (Huffaker: pages 8-10; input data); and

creating for display on a single display page a visual representation of said network device information (Huffaker: pages 8-10; visualization features), said visual representation comprising a first segment which is visually distinguishable from a second network segment by indicia (Huffaker: Fig. 11 shows a network segments visually distinguishable by space and connection lines), wherein said visual representation of the first and second network segments comprises a plurality of icons representing the plurality of network devices which satisfy said filter criteria (Huffaker: pages 8-10; colors, paths, nodes), and wherein said visual representation illustrates connectivity of said displayed plurality of network devices and illustrates a first connection between the first and second network segments in order to provide a simplified view to optimize network resources (Huffaker: Fig. 11).

Regarding claim 2, the method of claim 1, wherein said retrieving network device information comprises:

retrieving network segment information for each of said network devices which satisfy said filter criteria (Huffaker: filter to display; limiting display), said network segment information defining which of said first or second network segments to which said each of said network devices is physically connected (Figs 9-11).

Regarding claim 3, the method of claim 2, wherein said creating said visual representation of said network device information comprises:

creating said visual representation based on said retrieved network segment information (Huffaker: pages 8-10; input files; page 14).

Regarding claim 4, the method of claim 3, wherein said network segment information includes information related to said first or second segments, and wherein said creating said visual representation of said network device information comprises:

creating said visual representation whereby said visual representation is divided into said first or second segments (Huffaker: Fig. 5).

Art Unit: 2155

Regarding claim 9, the method of claim 1, wherein said retrieving network device information further comprises:

retrieving said network device information from a database (Huffaker: pages 1-2).

Regarding claim 10, the method of claim 1, wherein said plurality of filter criteria comprises:

at least one node type (Huffaker: page 3-5; root nodes- non-root nodes).

Regarding claim 11, the method of claim 10, wherein said plurality of filter criteria includes at least one node attribute (Huffaker: page 3-11).

Regarding claim 12, the method of claim 11, wherein said at least one node attribute comprises at least one node status (Huffaker: page 3-11; root or non-root).

Regarding claim 13, the method of claim 1, further comprising: displaying said visual representation (Huffaker: page 1; abstract).

Regarding claim 21, the method of claim 1, wherein the visual representation further comprises a third network which is visually distinguishable from the first and second network segments by indicia (Huffaker: Fig. 11 shows a network segments visually distinguishable by space and connection lines, different clusters connected through paths as seen).

Regarding claim 22, the method of claim 22, wherein said visual representation of the third network segment comprises a plurality of icons representing the plurality of network devices which satisfy said selected filter criteria, and wherein said visual representation illustrates connectivity of said displayed plurality of network devices and illustrates a second connection between the third network segment and either the first or second network segment (Huffaker: Fig. 11 shows a network segments visually distinguishable by space and connection lines).

Art Unit: 2155

Regarding claim 14, a network management node connected to one or more networks (Huffaker: page 1, Abstract: visualizing network data), said network management node comprising:

- a plurality of modules stored on a computer readable medium (Huffaker: pages 1-2); and
- a database storing information related to a plurality of network devices in said one or more networks (Huffaker: pages 1-2), wherein said plurality of modules are operable to

- display on a display a plurality of filter criteria, wherein in the plurality of filtered criteria comprises a selectable list of a plurality of status levels (Huffaker: pages 8-10; visualization features),

- receive a user selection of one or more of the plurality of filter criteria, including a selection of at least one of said status levels (Huffaker: pages 8-10; visualization features);

- store filter information regarding said selection of filter criteria in the database (Huffaker: page 10; stored customized labels; other storage);

- retrieve network device information based on said information from said database (Huffaker: pages 8-10); and

- create a visual representation comprising a first network segment which is visually distinguishable from a second network segment by indicia (Huffaker: pages 8-10; Fig. 11), wherein said visual representation of the first or second network segments comprises a plurality of icons representing the plurality of network devices which satisfy said filter criteria (Huffaker: Fig. 11 shows a network segments visually distinguishable by space and connection lines), and wherein said visual representation illustrates connectivity of said displayed plurality of network devices and illustrates a first connection between the first and second network segments (Huffaker: Fig. 11 shows a network segments visually distinguishable by space and connection lines).

Regarding claim 16, the network management node of claim 14, further comprising:

- a network interface operable to transmit said visual representation of said network device information over the Internet (Huffaker: Fig. 11).

Art Unit: 2155

Regarding claim 23, the network management node of claim 14, wherein the visual representation further comprises a third network which is visually distinguishable from the first and second network segments by indicia (Huffaker: Fig. 11).

Regarding claim 24, the network management node of claim 23, wherein said visual representation of the third network segment comprises a plurality of icons representing the plurality of network devices which satisfy said selected filter criteria, and wherein said visual representation illustrates connectivity of said displayed plurality of network devices and illustrates a second connection between the third network segment and either the first or second network segment (Huffaker: Fig. 11).

Regarding claim 17, a computer readable medium on which is stored a program, the program performing a method for providing information related to one or more networks (Huffaker: page 1, Abstract: visualizing network data), the method comprising:

- displaying on a display a plurality of filter criteria, wherein in the plurality of filter criteria comprises a selectable list of a plurality of status levels (Huffaker: pages 8-11);

- receiving a user selection of one or more of the plurality of filter criteria, including a selection of at least one of said status levels (Huffaker: pages 8-11);

- retrieving network device information based on said selected criteria, said network device information being related to one or more network devices in said a plurality of networks (Huffaker: pages 8-10; input data); and

- creating a visual representation a first network segment which is visually distinguishable from a second network segment by indicia (Huffaker: pages 8-10; Fig. 11), wherein said visual representation of the first and second network segments comprises a plurality of icons representing the plurality of network devices which satisfy said filter criteria (Huffaker: Fig. 11 shows a network segments visually distinguishable by space and connection lines), and wherein said visual representation illustrates connectivity of said displayed plurality of network devices and illustrates a first connection between the first and second network segments (Huffaker: Fig. 11 shows a network segments visually distinguishable by space and connection lines).



Art Unit: 2155

Regarding claim 18, the computer readable medium of claim 17, wherein said plurality of filter criteria comprises: at least one node type (Huffaker: page 3-5; root nodes- non-root nodes).

Regarding claim 19, the computer readable medium of claim 18, wherein said plurality of filter criteria comprises: node status, and at least one status level (Huffaker: page 3-5; root nodes- non-root nodes).

Regarding claim 25, the computer readable medium of claim 17, wherein the visual representation further comprises a third network which is visually distinguishable from the first and second network segments by indicia (Huffaker: Fig. 11).

Regarding claim 26, the computer readable medium of claim 25, wherein said visual representation of the third network segment comprises a plurality of icons representing the plurality of network devices which satisfy said selected filter criteria, and wherein said visual representation illustrates connectivity of said displayed plurality of network devices and illustrates a second connection between the third network segment and either the first or second network segment (Huffaker: Fig. 11).

### **REMARKS**

Applicant has presented arguments and an amendment in response to the 35 U.S.C. 101 rejection. The examiner has corrected the 102(b) rejection to a 102(a) rejection and thanks applicant for spotting the typographical error.

#### **The Applicant Argues:**

The Huffaker reference does not teach “displaying on a display a plurality of filter criteria, wherein the plurality of filter criteria comprises a selectable list of a plurality of status levels.”

**In response**, the examiner respectfully submits:

The Huffaker reference shows a graphical interface for the user to customize the display of the network topography. Figure 11 shows several drop-down and selectable menus allowing the user to 'customize view, apply tools, or select different color' value statuses to color by for instance color by 'metric or threshold.' Page 3: visualization features further enforce the Figure 11 customization by allowing the user to "customize view, coloring by data attribute, and step-by-step display of frames." These teachings anticipate the claimed invention. The examiner interprets 'filter criteria' as a noun and being the criteria the user can selection to customize the display. Applicant seems to be arguing the verb in which filtering out or removing display data. The invention displays on a display, a plurality of filter criteria in Fig. 11 and the selections allow the user to select status levels in which to display by: metric/threshold/root/non-root/layout. Applicant is encouraged to future define the 'filter criteria' and 'status levels' in the context of the independent claim with more detail to overcome the rejection.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R. Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 9:00-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/847,382

Page 10

Art Unit: 2155

Benjamin R Bruckart

Examiner

Art Unit 2155

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